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**COMMONWEALTH of VIRGINIA**  
*Virginia Public Guardian & Conservator Advisory Board*  
1610 Forest Avenue, Suite 100  
Richmond, Virginia 23229

**MEETING MINUTES**

December 4, 2008

**Members Present**

Paul Aravich, Chair, Kirby Fleming, Judith Koziol, Nancy Mercer, Alisa Moore, Gail Nardi, Janis Selbo, Cynthia Smith, Dana Traynham, Thelma Bland Watson, Erica Wood, Lawrence Zippin

**Members Absent**

Aundria Foster, John Powell, Kathy Pryor

**Ex Officio Member (Absent)**

Theresa Drought, University of Virginia School of Nursing

**Guest**

Carter Harrison, Alzheimer's Association  
Beth Skufca, Senior Connections - The Capital Area Agency on Aging

**VDA Staff**

Faye Cates

**Meeting Called to Order**

Paul Aravich, Chair, to the VPGAB called the meeting to order at 10:15 a.m.  
Everyone in attendance introduced themselves.

The minutes of the September 25, 2008 VPGCAB meeting were approved and accepted unanimously, with the following corrections:

Pages 2 and 5: Uniform Guardianship Act should read *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act*.

The Board's expenditure report was reviewed. The question of National Guardianship Association (NGA) membership was discussed again and members were encouraged to serve as a Board representative on NGA in the future.

### **Executive Summary Of The Virginia Brain Injury Association Report.**

The Chair provided a summary of the *Neurobehavioral Treatment for Virginians with Brain Injury Position Paper*, distributed in 2008 by the Virginia Brain Injury Council. He noted:

- The challenges facing persons with brain injury.
- The overlapping challenges of that population and person diagnosed with Alzheimer's disease.
- That cognitive behavioral problems are the most common brain injury problem – not related to psychiatric problems related to the condition.
- There is a debate between the neurological and psychiatric players about which domain brain injury falls.
- How brain injury is all organic and we need specialist who can cross the bridges between the neurological and psychiatric players.
- How brain injury patients cannot bond with a therapist and they end up in a psychiatric hospital being medicated because of challenging behaviors.

The Council proposed a systems approach to care, but there are not many trained individual who can deal with these specialized issues facing persons with brain injury. The next level of care would be neurological group homes for those to transition from treatment facilities, as transitional care/environments are preferred. Currently there are 50 beds in Virginia for brain injury patients and they are empty because Medicaid does not cover the cost of care. Instead, patients are sent to Massachusetts at added cost.

The Council proposed there be a small demonstration program, cost \$5 million, to provide empirical data to drive decisions. However, considering the current state budget deficit it is unlikely such a demonstration would be funded. The Chair will provide the Board with a copy of the Executive Summary of the Council's position paper.

There was discussion about possible funding opportunities for a demonstration project:

- VA hospital
- Robert Wood Johnson
- Local resources such as the Richmond Memorial Health Foundation and
- Develop business partnerships outside the government to promote the issue

Methods of increasing public awareness were discussed – newspaper articles, YouTube, public squares, and posting information on SeniorNavigator. Also a legislative proclamation was suggested, as well as taking advantage of more public awareness outreach approaches. Grassroots public rallies were discussed as a vehicle to increase awareness.

Board members were asked to assess their area of expertise and e-mail Ms. Cates and the Chair any resource information that might assist in the development of a concept map about where resources are for vulnerable populations, e.g., list serves, resources currently available, etc.

**Uniform Guardianship Act** (*Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.*)

Discussion of the Act was tabled until a later meeting. Mr. Harrison indicated there will be a study of the Act by the Virginia Bar.

**Public Comment**

Beth Skufca, Senior Connections - The Capital Area Agency on Aging, Program Coordinator, Public Guardian Program, expressed her appreciation for what the Board does for the public guardian program (PGP). The Chair indicated the Board needs to validate what the PGPs do. Dr. Watson, Executive Director of Senior Connections informed the group that Ms. Skufca is on call 24/7 and she does an exemplary job in meeting the needs of clients.

Ms. Skufca provided case scenarios of clients with multiple health problems and persons who are unable to communicate. Dr. Watson stressed the importance of the multidisciplinary panel (MDP) and the sharing of perspectives. Also there was discussion of the composition of her MDP. There was a request from the Board for Ms. Cates to provide future PGP MDP meeting dates so Board members might attend.

Ms. Skufca also discussed the collaboration between the three PGPs in Richmond in identifying resources for ethics. By working collaboratively they have created they own local support group. The Chair asked Ms. Skufca to put together a full presentation for the Board at a later date.

**Department of Social Services (DSS) Guardianship Data Collection System Enhancement**  
Gail Nardi, Board DSS Representative, reviewed the handout of the proposed enhanced guardian tracking database for the purpose of determining if additional data elements were required to address the needs of the public guardian program. She also reviewed data needs provided by Janet James, VDA Legal Services Developer and Public Guardian Program Coordinator.

Addition data elements identified were:

- Staff/client ratio
- Primary diagnosis
- Collateral data – guardian, family, friend
- Conservator info
- Persons diagnosed with mental retardation who are living the community
- The number of clients appointed limited guardians
- Type of hospital admission – acute/psychiatric
- Incarceration history (guardians serving client who are housed via the criminal justice system).

The database will be used to track guardian annual reports submitted to DSS. The system is for anyone DSS serves who has a guardian, including public guardians and guardians appointed to persons diagnosed with intellectual disabilities who live in the community. The system will not account for/track conservator reports submitted to the

Commissioner of Accounts. The DSS system will provide information about how many guardians there are in Virginia – who submit the annual DSS report.

## Committee Reports

- Planning and Development Committee (P&D) , Janis Selbo, Chair

Ms. Selbo indicated she would have a committee meeting before the next Board meeting to review the program guidelines developed by the Board, and to incorporate the Board's strategic plan language and regulation language now that the proposed program regulation revision process is finalized. The revised regulation will be effective January 1, 2009. A copy of the final regulation was provided to Board members. Ms. Selbo plans a January 2009 teleconference with her committee to follow-up on these issues.

Ms. Cates explained the recent state budget cut's impact on VDA: the agency lost a position that was not filled. Her position is assigned to the Public Guardian Program, with Ms. James providing supervision. So agency's existing personnel remains, however, she indicated, the next round of cuts may have a deeper impact on the agency.

Mr. Fleming suggested the Board should finalize the strategic plan developed at the June 26, 2008, Board meeting. He will work with the Chair on an approach to complete the job, either via e-mail or teleconference. The Chair asked Mr. Fleming to join the P&D meeting. He also serves on the Health Care Medical Decision-Making Authority Committee.

- Health Care Medical Decision-Making Authority Committee, Paul Aravich, Chair

The Chair reflected on the brain injury discussion held earlier in the meeting and that his committee will follow-up on some of the issues identified.

- Legislative Committee, Kathy Pryor, Chair

Ms. Wood suggested that *Health Care Decision-Making Legislation* be an agenda item in the future. The thrust of the legislation is to expand the instructional directive beyond the end-of-life issues; and its impact on voluntary mental commitment, which a guardian cannot do. This legislation would allow a guardian make commitments to psychiatric facilities if the client approves. If client protest it would not apply. This legislation would also provide for a physician to make these decisions for people who have no capacity to make decisions or a guardian or family to do so. There was some concern voiced among board members about physicians making these decisions, depending on their specialty.

Ms. Wood noted there has been very good support for the legislation and no opposition yet. Distribution of the legislation so language can be reviewed was suggested and the Board should make comments on it soon. Ms. Wood will send it to Ms. Cates for distribution. Also the Joint Commission on Health Care website

has a PowerPoint presentation on the legislation, search under the Behavioral Health Subcommittee.

Board members were encouraged to attend the regional state budget hearings starting in January 2009. Ms. Cates advised members to direct any legislative issues to Ms. Pryor for tracking. Ms. Nardi will send Ms. Cates the legislative agenda for the Commonwealth Council on Aging to distribute to the Board. Members were advised to speak to their legislators about legislation they are concerned about. Board members divided the regional hearings as follows for them to attend:

Nancy Mercer – Northern Virginia

Paul Aravich – Norfolk

Thelma Bland Watson – Richmond

Alisa Moore – if one is scheduled for Southwest (one is scheduled for Roanoke)

**Agenda Items for next Board meeting:**

- Health Care Decision-Making Legislation  
Erica Wood
- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.  
John Powell and Erica Wood
- Planning & Development Committee Report - Incorporating the Strategic Plan and Program Regulation Language into Program Guidelines  
Janis Selbo
- Legislative Update  
Kathy Pryor

**Next Meeting Date for VPGCAB**

Thursday, March 26, 2009 – 10:0 a.m.

**Adjournment**

There being no further business, the meeting adjourned at 1:45 p.m.



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Erica Wood, Secretary